

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

11 WRIT PETITION NO. 2122 OF 2018

SATISH KUNDALIK SHELKE
VERSUS
SHITAL SATISH SHELKE

...

Advocate for Petitioner : Mr. Dattatraya R. Jayabhar.

...

CORAM : **V. L. ACHLIYA, J.**
DATE : 16th April, 2018.

ORDER:

. By this petition, the Petitioner has challenged the order dated 11th September, 2017 passed in H.M.P. No.52 of 2017 by Civil Judge Senior Division, Kopargaon, District Ahmednagar.

2 Heard the learned counsel for Petitioner and perused the impugned order.

3 In short, it is the contention of the Petitioner that the Petitioner has filed a petition under Section 9 of the Hindu Marriage Act seeking a decree of restitution of conjugal rights against the Respondent / wife. On 11th September, 2017, the Petitioner has filed an application vide Exhibit – 18 to issue summons to Medical Superintendent, Prawara Rural Hospital, Taluka Rahata, District

Ahmednagar to produce record showing the salary of his wife i.e. Respondent.

4 On due consideration of the submissions advanced in the light of the nature of the proceedings and the application filed, I am of the view that no case is made out to entertain the petition. It appears from the record that the petition has proceeded *ex-parte* against the respondent. Since the Petitioner has filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, the salary of the wife of the Petitioner is not an issue involved in petition to be determined by Trial Court. In this view, I am not inclined to entertain the petition. The petition is dismissed.

[V. L. ACHLIYA, J.]

ndm